

Amendment filed November 13, 2008

Reply to OA dated August 13, 2008

REMARKS

Claims 1-4 are currently being examined in this application, and stand rejected. Claims 1 and 4 are independent claims. Claims 1-4 are each amended herein. The applicants respectfully submit that no new matter has been added by this response, and it is believed that these amendments and remarks are fully responsive to the Office Action dated **August 13, 2008**.

The Office Action rejects claims 1 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Tani (U.S. Patent Pub. No. 2004/0092247) in view of A5306ST Instruction Manual (herein referred to as “Instruction Manual”). In making this rejection, the Office Action acknowledges that Tani fails to disclose two features of the present invention: (1) a judging unit operable to judge whether a predetermined operation has been performed on at least one of the operation units with the case in a closed state and the locking function enabled, and (2) an operation control unit operable, when the judging unit has judged in the affirmative, to enable processing associated with operation of at least one of the operation units. For (1), the Action cites the Instruction Manual, on page 211, for a mobile phone that recognizes that a key is pressed triggering a pre-programmed operation while the phone is locked and is in a closed state. For (2), the Action again cites page 211 of the Instruction Manual, wherein it alleges that the Instruction Manual teaches a mobile phone that enables processing operations once the key lock is temporarily disabled by pressing a key for more than one second.

In response, claim 1 has been amended to clarify a plurality of first operation units, and a plurality of second operation units. These amendments find basis in the side key 203 and five-way key 205 in original Figure 2 and the “operation key cluster 104” in original Figure 1.

In the structure of amended claim 1, any key operation is disabled when the case is in a closed state and the locking function is enabled. Accordingly, the mobile communication device of amended claim 1 does not malfunction by accidental pressing of the first operation units (for example in a bag), or does not allow a third party to operate the keys without an intention of a user.

In addition, with this structure, it is possible to disable the locking function for the at least one of the first operation units without opening the case. This means that the user does not need to open the case only to disable the locking function of the first operation unites. Accordingly, the mobile communication device of amended claim 1 saves the user the trouble of opening the case only to disable the locking function of the first operation units, in addition to being effective for preventing the malfunction or the use by a third party while the locking function is enabled.

The Tani reference discloses a foldable mobile phone having an auto dial lock function that makes a dial lock function effective when an operation is not performed for a predetermined time period. Similarly to amended claim 1, Tani discloses a foldable mobile phone having a key lock function with a disabling operation that needs to be performed with the case in an opened state in order to disable the key lock function for all of the keys.

However, Tani and amended claim 1 differ in structure pertaining to a disabling operation with the case in a closed state.

As described above, the key lock function of Tani is disabled by entering a correct personal identification code from the key operation unit 15 (S7 to 10 in FIG. 3). However, as shown by FIG. 7A To 7C, the key operation unit 15 cannot be operated unless the case is open. Also, the side key operation 23 shown in FIG. 5 is a key used to elongate “the setting time elapsing until the auto dial lock is activated” (Paragraphs [0066]-[0067] in Col. 6), and is not related to the disabling operation of the key lock. That is, Tani fails to disclose or suggest the structures corresponding to the first operation units, the judging unit and the operation control unit included in amended claim 1. Accordingly, there is a problem in the foldable mobile communication device disclosed by Tani, that is, even if the foldable mobile communication device is equipped with keys that can be operated when the case is closed, a user needs to open the case in order to disable the key lock function of such keys when such keys are locked.

On the other hand, amended claim 1 allows the key lock function of the first operation units to be disabled without opening the case. Because of this, the mobile communication device of claim 1 saves the user the trouble of opening the case only to disable the locking function of the first operation units.

The Instruction Manual discloses a foldable mobile phone having a “simple side key lock” function. The “simple side key lock” function is a function to disable the operations of a plurality of side keys (referential number 25, 26, and 27 on page 22) provided, for example, on the side of the case that can be operated even when the case is closed (left-hand side on page 211). There are two ways to temporarily disable the “simple side key lock” function. One is to open the case, and the other is to press a predetermined key (item 27 on page 22) for more than 1 second (See right hand side of page 211).

Here the “simple side key lock” function disables only the operations of the side keys. This structure prevents the malfunctions that may occur in a bad as described above, and also allows the “simple side key lock” function to be disabled without opening the case. However, it is not possible to prevent the operation by a third party, because the side key lock is disabled and all of the keys are enabled if the third party opens the case.

Alternatively, the mobile communication device of amended claim 1 locks all of the first and second operation units. Therefore, the mobile communication device of claim 1 is effective for preventing both of the malfunctions and the operation by a third party as described above.

Also, the Instruction Manual fails to disclose or suggest the structure in which the key lock is disabled, after all the keys are locked, only for a predetermined key that can be operated when the case is closed.

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Meanwhile, the invention of amended claim 1 locks the first and second operation units, and hence is effective for preventing the malfunctions and the operation by a third party. At the same time, the invention of amended claim 1 disables the key lock function of the first operation units provided on the external side of the case without opening the case, and hence is effective for saving the user the trouble of opening the case only to disable the locking function of the first operation units.

Thus, a person having ordinary skill in the art would not readily understand the disclosures of Tani and the Instruction Manual to reveal the invention of claim 1. As such, claim 1 is in condition for allowance, and believed to be patentable. Withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a) is now in order and respectfully solicited.

Amended claim 4 has been similarly amended as claim 1, as it is a method claim relating to amended claim 1 and having substantially the same features as claim 1. Therefore, claim 4 is also in condition for allowance, and believed to be patentable. Withdrawal of the rejection of claim 4 under 35 U.S.C. § 103(a) is now in order and respectfully solicited.

Claims 2 and 3 depend upon amended claim 1 and contain each and every limitation thereof. Because Tani and the Instruction manual do not render obvious the limitations of claim 1, this combination also does not render obvious dependent claims 2 and 3. As such, claims 2 and 3 are also in condition for allowance, and believed to be patentable. Withdrawal of the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) is now in order and respectfully solicited.

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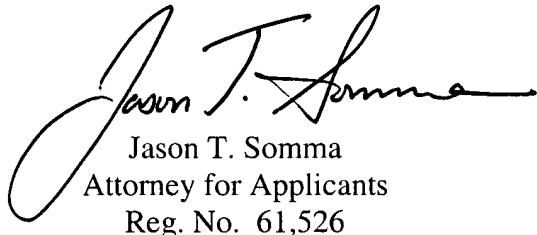
In view of the aforementioned amendments and accompanying remarks, claims 1-4 are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Jason T. Somma
Attorney for Applicants
Reg. No. 61,526

JTS/

Atty. Docket No. **060364**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930 ext. 211



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